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LETTER DATED 13 JULY 1999 FROM THE PERMANENT REPRESENTATIVE OF CROATIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I take no pleasure in having to address once again the President of the Security Council on the security issue of Prevlaka, which shall in the coming days be considered by the Council under the item entitled "Situation in Croatia". I will limit my response only to the most flagrant attempts at mystification of the matters addressed in the memorandum annexed to the letter of Vladislav Jovanović dated 7 July 1999 (S/1999/760).

The sole purpose of the memorandum submitted by the Federal Republic of Yugoslavia is to extend artificially the duration of a morally bankrupt quest for the change of international borders in south-east Europe. The memorandum's selective approach to history does not deserve elaborate comment; to relegate the centuries-long sovereignty of the Dubrovnik Republic over Croatian Prevlaka to irrelevance speaks volumes about such an approach. Instead, I would like to refer to a relevant selection of materials that can be found on the home page of the Permanent Mission of the Republic of Croatia, including the Fact Sheets on Prevlaka, and an aide-mémoire on the legal status of Prevlaka (www.undp.org/missions/croatia).

What really matters is the fact that the borderline between the then Socialist Republics of Croatia and Montenegro in the Prevlaka area not only existed, but was well known and recognized as such at the time when Croatia proclaimed independence in June 1991. In this regard, the President of the Montenegrin Parliament, based on the Parliament's conclusions of 7 October 1991, wrote to the President of the Croatian Parliament on 8 October 1991 and proposed an initiative for change of the existing land border "as it has been up to the present". The initiative also stated that "in coastal waters, which have been shared and where no border existed, a border is to be determined". Upon the request of the Montenegrin Parliament, this very issue of whether the existing borders among the former Yugoslav republics had become international frontiers among the respective independent States that emerged at the time of the dissolution of the former federal State became the object of deliberations of the Arbitration Commission of the European Union/United Nations International Conference on the Former Yugoslavia.

The Arbitration Commission meritoriously confirmed that the principle of respect for the territorial status quo was the general principle of international law applicable to the question of transformation of the previous Socialist Federal Republic of Yugoslavia federal units' borders into frontiers protected by international law. Given that this opinion was rendered both in the framework of the Hague Conference on Yugoslavia and upon the initiative of Serbia and Montenegro, the results of the opinion should be considered obligatory by the international community in general, and by the parties to the Conference in particular.

Within the framework of the same European Union/United Nations Conference, the Croatian President Franjo Tudman and then Yugoslav President Dobrica Ćosić signed a Joint Declaration on 30 September 1992 in Geneva, agreeing that the Yugoslav army would leave Prevlaka by 20 October 1992 in accordance with the so-called Vance Plan. At 14.17 on 20 October 1992, a map of the Prevlaka area, signed by President Tudman, then Yugoslav Prime Minister Milan Panić and Yugoslav Army Joint Chief of Staff Živorad Panić was forwarded by facsimile from the Office of the Yugoslav Prime Minister to United Nations commander General Satish Nambiar, with an explicit note "We want to execute the agreement" (see annex I). The borderline on the map was drawn so that it meets the coastline at the Kobila Peninsula, at the strait's entrance into the Bay of Kotor, with a marcation "AVNOJ's borders" (meaning the borders already agreed to in 1943 by the Antifascist Council for the National Liberation of Yugoslavia and later established among the former constituent republics of the post-Second World War Yugoslav federation).

Too much precious time and too many resources of the international community have been allocated since 1991 to dealing with the aftermath or further containment of the aggressive and destructive energies of the Belgrade political leadership. On the issue of Prevlaka, once the Yugoslav army withdrew from the area, Croatia turned down all subsequent attempts at exchange of territory. During almost seven years of the United Nations presence in Prevlaka, no progress has been made regarding either demarcation of the existing land border or delimitation at sea. Over the past 18 months, Croatia's offer of demilitarization of the area, under very favourable terms, has been ignored. Nevertheless, we have patiently endured the protracted obstruction of bilateral negotiations on the permanent resolution of the security issue of Prevlaka. We did so taking into account the interests of the international community in restoring peace in the broader region.

Finally, the Council might be interested to know that the international border of Prevlaka as it appears on the official map of the Federal Republic of Yugoslavia, posted on the Yugoslav Federal Government's official web site at www.gov.yu/map.html (see annex II), clearly shows the Croatian Prevlaka within the existing Croatian international borders. Indeed, one cannot offer better proof of this sadly farcical but dangerous tampering that has been draining the energy of the international community for far too long.

Taking into account the fact that the Federal Republic of Yugoslavia states that it respects the opinions of the Badinter Arbitration Commission, the Council should be encouraged in its deliberations to implement the Commission's

decisions on the inviolability of international borders, as well as other applicable international law.

I should like to request your kind assistance in distributing this letter as a document of the Security Council.

(Signed) Ivan ŠIMONOVIĆ
Ambassador
Permanent Representative

САВЕЗНА РЕПУБЛИКА ЈУГОСЛАВИЈА
Савезна влада
Председник

Annex I

URGENT

TELEFAX

TO: GENERAL NAMBIAR
CYRUS VANCE

FOLLOWING IS THE IDENTICAL MAP APPROVED BY GERNAL PANIC. PRESIDENT COSIC, PRIME MINISTER PANIC, MR. TUDJMAN. IT IS THE SAME MAP GIVEN TO LORD OWEN, CYRUS VANCE AND MR. GOULDING.

Best regards,

Milan Panic
Prime Minister
Pedaral Republic of Yugoslavia

Please confirm. We want to execute agreement

No of pages including cover sheet: 2

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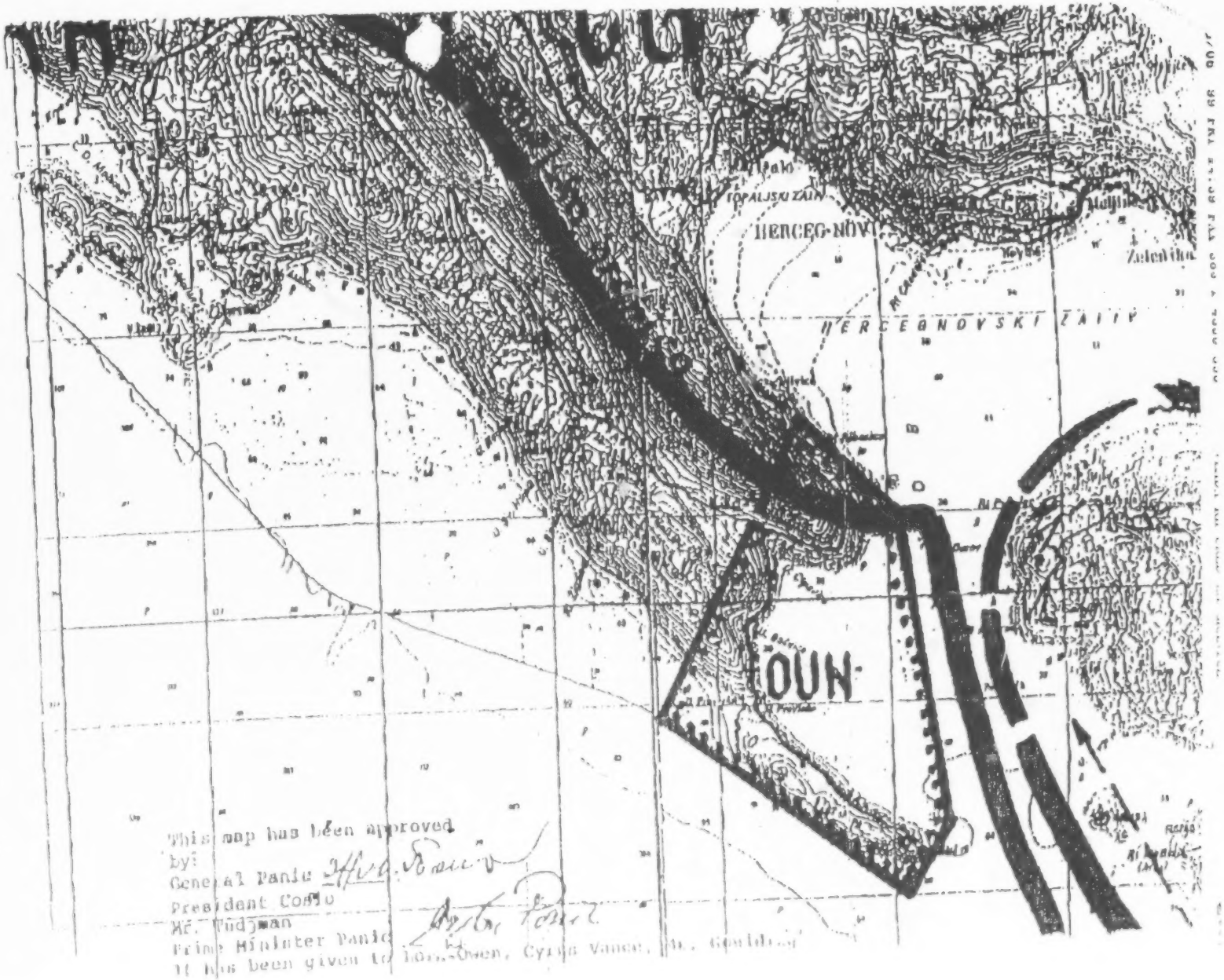

This map has been approved
by:
General Pantić
President Tudjman
Mr. Tudjman
Prime Minister Pantić
It has been given to [illegible]

Annex II

Hungary
Mures R.
75 km
50 mi
46°
Drava R.
Croatia
Jiu R.
Romania
SERBIA
Cruz. Mostra Federation
Sarajevo
Uzice
Cacak
Kraljevo
Zajecar
Bor
44°
Danube R.
Ivanica
Novi Pazar
Pirot
Leskovac
Bulgaria
Tara R.
MONTENEGRO
Niksic
Ibar R.
Pristina
Sofia
Podgorica
Pec
Kotor
Cetinje
Vranje
Lake Scutari
Struma R.
Budva
Drin R.
Prizren
Adriatic
Sea
Bar
Albania
Skopje
Macedonia
42°
18°
20°
22°